

52-08/MEU

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORASIA CONTAINER LINES LTD,

08 CV 1114 (BSJ)

Plaintiff,
-against-

**AFFIRMATION OF
MICHAEL E. UNGER**

CHEMEX INTERNATIONAL LLP,

Defendant.
-----x

MICHAEL E. UNGER, affirms the following under penalty of perjury:

1. I am a member of the law firm of Freehill, Hogan & Maher, LLP, attorneys for Plaintiff Norasia Container Lines Ltd ("Norasia") in the above action. I am admitted to practice before this Honorable Court and am fully familiar with the facts and circumstances surrounding this litigation, and respectfully submit this Affirmation in support of Plaintiff Noraisa's Motion to Recognize and Enforce Foreign Money Judgment and For Attorneys Fees, Costs and Interest.

2. Freehill Hogan & Maher LLP was retained to act as legal counsel for Norasia in connection with disputes between Norasia and Defendant Chemex International LLP ("Chemex"). I am the attorney in charge of this matter and submit this Affirmation based on my own personal knowledge and based upon facts contained in my file.

3. I prepared the Rule B attachment application filed on behalf of Norasia in this matter on February 4, 2008. That same day, this Court executed an Order granting Norasia's application in full and directing the issuance of Process of Maritime Attachment and Garnishment against assets of Chemex for a sum up to \$117,698.52.

4. Pursuant to the Process, on February 6, 2008, two funds transfers of Chemex were restrained in amounts totaling \$117,698.52. That same day, Chemex was given notice of the

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attachments in accordance with Local Rule B.2 and requested to waive service pursuant to Rule 4(d). Chemex has made no attempt to respond or otherwise oppose this action.

5. Norasia arranged with the Clerk of the Court for the Southern District of New York to formally service process on Chemex, which was accomplished on March 28, 2008.

6. The attorneys' fees already invoiced in connection with the instant New York proceedings amount to \$8,538.81 which is reflected in the invoice attached here to as **Exhibit 1**. The invoice contains narrative descriptions of the legal services rendered to Norasia. I have redacted some of the narratives in order to delete references to specific legal strategies, legal opinions, investigative results or other entries which would be protected from disclosure by the attorney-client or work product privileges (as applicable). If required by the Court, Norasia is prepared to produce the original invoices for an *in camera* inspection by the Court to avoid improper disclosure to Defendant and the public at large, but to satisfy the Court (to the extent deemed necessary) that the redactions made by me were purely and appropriately for the purpose of protecting attorney-client or work product privileges, as applicable.

7. The attorneys' fees anticipated to be incurred in the future in connection with the instant action amount to \$5,000. This amount represents the legal services anticipated to be rendered from the date of the last entry appearing on the invoice attached as **Exhibit 1** to the date of the final invoice issued as concerns the instant action.

Dated: New York, New York
April 2, 2008



MICHAEL E. UNGER

Exhibit 1

LAW OFFICES OF
FREEHILL HOGAN & MAHAR LLP

80 PINE STREET
NEW YORK, N.Y. 10005-1759

TELEPHONE (212) 425-1900

FACSIMILE (212) 425-1901

reception@freehill.com

www.freehill.com

TAX ID NO.: 13-1985797

April 1, 2008

YOUR REF: 103563
OUR REF: 52-08/MEU
INTERIM INVOICE # 119400

Standard Steamship P&I Club
c/o Charles Taylor & Company Limited
International House
1 St. Katharine's Way
London E1W 1UT
England
Attn: Mr. Iain Cassell

RE: CSAV NORASIA

Rule B - CSAV Group (Hong Kong) Ltd. v.
Chemex International and Rohan Dyes &
Intermediates Ltd.

TO PROFESSIONAL SERVICES RENDERED AND DISBURSEMENTS INCURRED in connection with the captioned matter from January 25, 2008 through March 31, 2008 as more particularly described below:

1/25/08	MEU	.30	Conferring by telephone with Mr. Cassell regarding new matter involving Rule B attachment against Chemex; writing Mr. Cassell providing advice in respect to same;
1/28/08	MEU	1.60	Receiving and reviewing e-mail from Mr. Cassell instructing to proceed with attachment and providing advice regarding costs paid to date;
1/29/08	MEU	.80	Receiving and reviewing e-mail from Mr. Habergham forwarding copy of judgment; writing Mr. Habergham requesting further details in support of claim; receiving and reviewing demand letter sent by Mr. Habergham to Chemex; conferring by telephone with Mr. Habergham regarding need for additional information; receiving and reviewing further documentation; instructing SL regarding preparation of draft complaint;

1/29/08	SL	5.00	Reviewing file to prepare Rule B application; drafting Rule B verified complaint;
1/30/08	MEU	.50	Receiving and reviewing e-mail from Ms. Ngai forwarding further details of claim; redrafting complaint; sending to all for review and comment;
2/04/08	MEU	.70	Receiving and reviewing e-mails from Mr. Habergham, Mr. Cassell and Ms. Ngai regarding draft complaint; finalizing application and arranging for filing; writing all reporting on status;
2/04/08	SL	4.50	Revising Rule B verified complaint; preparing remaining Rule B pleadings; traveling to and attending at court to file Rule B application and obtain certified writs of attachment;
2/05/08	RGR	1.00	Serve process of attachment, order, verified complaint and cover letter on Deutsche Bank, JP Morgan Chase, The Bank of New York and HSBC Bank;
2/05/08	MC	1.30	Scanning and filing new Rule B application papers; preparing 1st day letter to garnishee banks; preparing 2nd day letter to garnishee banks by telefax;
2/06/08	MEU	1.00	On funds restrained at American Express and Deutsche Bank representing full security; on Rule B.2 notice to Chemex; arranging service of complaint; on cease & desist notices to banks; writing all reporting on status;
2/06/08	RGR	.40	Prepare affidavits of service for service of attachment and related documents to banks on 2/5 and 2/6/08;
2/06/08	RGR	1.40	Serve process of attachment, order, verified complaint and cover letter on Standard Chartered Bank;
2/06/08	JS	.20	Prepare and circulate initial service chart; prepare supplemental service upon garnishee banks;
2/06/08	JS	.10	Prepare and serve cease and desist notices upon garnishee banks;
2/06/08	MC	.10	Serving PMAG on garnishee banks by telefax;
2/06/08	MC	.40	Preparing and serving Rule B.2 notice and Waiver of Service on defendant;

2/13/08	MEU	.40	Receiving and reviewing e-mail from Ms. Ngai inquiring regarding next steps; writing in reply; instructing SL regarding preparation of motion;
2/15/08	MEU	.30	Receiving and reviewing exchanges regarding Mr. Habergham declaration; writing Ms. Ngai regarding difference in amount of funds;
2/17/08	SL	1.50	Reviewing file; researching law regarding recognition and enforcement of foreign judgment; preparing motion papers in support of the recognition and enforcement of English default judgment;
2/18/08	MEU	.40	On request from Ms. Ngai for update; receiving and reviewing draft declaration from Mr. Habergham; on update to clients;
2/18/08	SL	.80	Drafting motion papers in support of motion to recognize and enforce English judgment; reviewing English solicitor declaration;
2/22/08	MEU	.20	On arrangements for service of complaint by Clerk;
2/27/08	SL	1.90	[REDACTED] drafting memorandum of law in support of motion to recognize and enforce English Judgment
2/28/08	SL	7.30	Researching law regarding awards of attorneys fees for bad faith refusal to comply with foreign judgment and awards of interest; drafting memorandum of law in support of motion to recognize and enforce judgment;
2/29/08	SL	.70	Drafting and revising motion to confirm and enforce the English Judgment;
3/03/08	MEU	.30	On revision to motion to enforce;
3/03/08	SL	2.20	[REDACTED] revising memorandum of law;
3/04/08	SL	4.50	Revising memorandum of law in support of motion to recognize and enforce English judgment; revising Habergham declaration; drafting Unger affirmation;
3/06/08	MEU	.80	On request for update; writing all regarding status of motion; redrafting Habergham declaration and forwarding to Mr. Habergham for signing;

redrafting Unger Affidavit and Memo of Law in support of motion;

3/07/08	SL	.80	Arranging for service of process on defendant via clerk of the court;
3/07/08	JS	.50	Prepare packages and cover letter to Clerk of Court for International Mailing;
3/07/08	JS	.80	Travel to SDNY to provide mailing clerk with documents for international mail service upon defendant at two locations;
3/10/08	MEU	.20	Receiving and reviewing e-mail from Mr. Habergham with comments and revised declaration;
3/10/08	BGC	.80	Attendance at SDNY to deliver additional transmittal funds to the Foreign Service clerk;
3/12/08	MEU	.40	Receiving and reviewing revised declaration from Mr. Habergham responding to queries regarding same and on timing of application, etc.;
3/17/08	MEU	.50	Receiving and reviewing e-mail from Mr. Habergham with revised declaration; receiving and reviewing e-mail from Ms. Ngai requesting update; writing in reply; on arrangements for service on Chemex by DHL;
3/17/08	SL	.50	Preparing service of process via DHL on defendant Chemex;
3/19/08	BGC	.80	Attendance at SDNY for delivery of documents for foreign mailing;
3/24/08	SL	.10	Checking status of service of process on Chemex;
3/27/08	MEU	.30	On inquiry from Ms. Ngai regarding status; on DHL proof of service being filed; writing all regarding status;
3/27/08	JS	.20	Prepare and send fax to Foreign Mailing Clerk of Court with DHL delivery confirmations;
3/28/08	MEU	.30	Receiving and reviewing query from Ms. Ngai regarding timing on motion; writing in reply;

FEES: 7,801.00

SUMMARY OF PROFESSIONAL SERVICES:

TIMEKEEPER	STAFF LEVEL	HOURS	RATE	AMOUNT
Michael E. Unger	Partner	9.00	280.00	2,520.00
Barbara G. Carnevale	Associate	1.60	125.00	200.00
Susan Lee	Associate	29.80	145.00	4,321.00
Paralegals	Paralegal	4.60	130.00	598.00
Clerk	Legal Assistant	1.80	90.00	162.00
		46.80		7,801.00

DISBURSEMENTS:

Telephone Expenses	47.67
Court Filing Fees	350.00
Facsimile Expenses	3.30
Courier Service Expenses	83.88
OnLine Research Expenses	186.66
Photocopy Expenses	66.30

TOTAL DISBURSEMENTS:	737.81
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INVOICE TOTALS:

FEES:	\$ 7,801.00
DISBURSEMENTS:	737.81
INVOICE TOTAL:	\$ 8,538.81

WIRE TRANSFER DETAILS:

Citibank, N.A.
 120 Broadway
 New York, NY 10271
 SWIFT Code: CITIUS33
 ABA No.: 021 000 089
 FOR THE ACCOUNT OF
 FREEHILL HOGAN & MAHAR
 Account No. : 24589366
 U.S. Dollars
 Tax ID NO.: 13-1985797